

Panaji, 7th June, 1979 (Jyaistha 17, 1901)

SERIES I No. 10

OFFICIAL GAZETTE



GOVERNMENT OF GOA, DAMAN AND DIU

GOVERNMENT OF GOA, DAMAN AND DIU

Law Department (Legal Advice)

Notification

LD/19294/II/79

The following Central Acts namely:— 1) The Prize Chits and Money Circulation Schemes (Banning) Act, 1978 (No. 43 of 1978), 2) The Water (Prevention and Control of Pollution) Amendment Act, 1978 (No. 44 of 1978) which were recently passed by the Parliament and assented to by the President of India on 12th December, 1978 and published in the Gazette of India, Part II, Section I dated 13th December, 1978 are hereby republished for general information of the public.

B. S. Subbanna, Under Secretary (Law).

Panaji, 20th February, 1979.

The Prize Chits and Money Circulation Schemes (Banning) Act, 1978

AN
ACT

to ban the promotion or conduct of prize chits and money circulation schemes and for matters connected therewith or incidental thereto.

Be it enacted by Parliament in the Twenty-ninth Year of the Republic of India as follows:—

1. *Short title and extent.*— (1) This Act may be called the Prize Chits and Money Circulation Schemes (Banning) Act, 1978.

(2) It extends to the whole of India except the State of Jammu and Kashmir.

2. *Definitions.*— In this Act, unless the context otherwise requires,—

(a) “conventional chit” means a transaction whether called chit, chit fund, *kuri* or by any other name by or under which a person responsible for the conduct of the chit enters into an agreement with a specified number of persons that every one

of them shall subscribe a certain sum of money (or certain quantity of grain instead) by way of periodical instalments for a definite period and that each such subscriber shall, in his turn as determined by lot or by auction or by tender or in such other manner as may be provided for in the chit agreement, be entitled to a prize amount.

Explanation.— In this clause “prize amount” shall mean the amount, by whatever name called, arrived at by deducting from out of the total amount paid or payable at each instalment by all the subscribers,

(i) the commission charged as service charges as a promoter or a foreman or an agent; and

(ii) any sum which a subscriber agrees to forego, from out of the total subscriptions of each instalment, in consideration of the balance being paid to him;

(b) “money” includes a cheque, postal order, demand draft, telegraphic transfer or money order;

(c) “money circulation scheme” means any scheme, by whatever name called, for the making of quick or easy money, or for the receipt of any money or valuable thing as the consideration for a promise to pay money, on any event or contingency relative or applicable to the enrolment of members into the scheme, whether or not such money or thing is derived from the entrance money of the members of such scheme or periodical subscriptions;

(d) “prescribed” means prescribed by rules made under this Act;

(e) “prize chit” includes any transaction or arrangement by whatever name called under which a person collects whether as a promoter, foreman, agent or in any other capacity, monies in one lump sum or in instalments by way of contributions or subscriptions or by sale of units, certificates or other instruments or in any other manner or as membership fees or admission fees or service charges to or in respect of any savings, mutual benefit, thrift, or any other scheme or arrangement by whatever name called, and utilises the monies so collected or any part thereof or the income accruing from investment or other use of such monies for all or any of the following purposes, namely:—

(i) giving or awarding periodically or otherwise to a specified number of subscribers as determined by lot, draw or in any other manner, prizes or gifts in cash or in kind, whether or not

the recipient of the prize or gift is under a liability to make any further payment in respect of such scheme or arrangement;

(ii) refunding to the subscribers or such of them as have not won any prize or gift, the whole or part of the subscriptions, contributions or other monies collected, with or without any bonus, premium, interest or other advantage by whatever name called, on the termination of the scheme or arrangement, or on or after the expiry of the period stipulated therein,

but does not include a conventional chit;

(f) "Reserve Bank" means the Reserve Bank of India constituted under the Reserve Bank of India Act, 1934. 2 of 1934.

3. *Banning of prize chits and money circulation schemes or enrolment as members or participation therein.* — No person shall promote or conduct any prize chit or money circulation scheme, or enrol as a member to any such chit or scheme, or participate in it otherwise, or receive or remit any money in pursuance of such chit or scheme.

4. *Penalty for contravening the provisions of section 3.* — Whoever contravenes the provisions of section 3 shall be punishable with imprisonment for a term which may extend to three years, or with fine which may extend to five thousand rupees, or with both:

Provided that in the absence of special and adequate reasons to the contrary to be mentioned in the judgment of the court, the imprisonment shall not be less than one year and the fine shall not be less than one thousand rupees.

5. *Penalty for other offences in connection with prize chits or money circulation schemes.* — Whoever, with a view to the promotion or conduct of any prize chit or money circulation scheme in contravention of the provisions of this Act or in connection with any chit or scheme promoted or conducted as aforesaid, —

(a) prints or publishes any ticket, coupon or other document for use in the prize chit or money circulation scheme; or

(b) sells or distributes or offers or advertises for sale or distribution, or has in his possession for the purpose of sale or distribution any ticket, coupon or other document for use in the prize chit or money circulation scheme; or

(c) prints, publishes or distributes, or has in his possession for the purpose of publication or distribution —

(i) any advertisement of the prize chit or money circulation scheme; or

(ii) any list, whether complete or not, of members in the prize chit or money circulation scheme; or

(iii) any such matter descriptive of, or otherwise relating to the prize chit or money circulation scheme, as is calculated to act as an inducement to persons to participate in that prize chit or money circulation scheme or any other prize chit or money circulation scheme; or

(d) brings, or invites any person to send, for the purpose of sale or distribution, any ticket, coupon or other document for use in a prize chit or money circulation scheme or any advertisement of such prize chit or money circulation scheme; or

(e) uses any premises, or causes or knowingly permits any premises to be used, for purposes connected with the promotion or conduct of the prize chit or money circulation scheme; or

(f) causes or procures or attempts to procure any person to do any of the above-mentioned acts, shall be punishable with imprisonment for a term which may extend to two years, or with fine which may extend to three thousand rupees, or with both:

Provided that in the absence of special and adequate reasons to the contrary to be mentioned in the judgment of the court, the imprisonment shall not be less than one year and the fine shall not be less than one thousand rupees.

6. *Offences by companies.* — (1) Where an offence under this Act has been committed by a company, every person who, at the time the offence was committed, was in charge of, and was responsible to, the company for the conduct of the business of the company, as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

Provided that nothing contained in this sub-section shall render any such person liable to any punishment provided in this Act, if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1), where an offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to, any neglect on the part of, any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation. — For the purposes of this section —

(a) "company" means any body corporate and includes a firm or other association of individuals; and

(b) "director", in relation to a firm, means a partner in the firm.

7. *Power to enter, search and seize.* — (1) It shall be lawful for any police officer not below the rank of an officer in charge of a police station, —

(a) to enter, if necessary by force, whether by day or night with such assistance as he considers necessary, any premises which he has reason to suspect, are being used for purposes connected with the promotion or conduct of any prize chit or money circulation scheme in contravention of the provisions of this Act;

(b) to search the said premises and the persons whom he may find therein;

(c) to take into custody and produce before any Judicial Magistrate all such persons as are con-

cerned or against whom a complaint has been made or credible information has been received or a reasonable suspicion exists of their having been concerned with the use of the said premises for purposes connected with, or with the promotion or conduct of, any such prize chit or money circulation scheme as aforesaid;

(d) to seize all things found in the said premises which are intended to be used, or reasonably suspected to have been used, in connection with any such prize chit or money circulation scheme as aforesaid.

(2) Any officer authorised by the State Government in this behalf may —

(a) at all reasonable times, enter into and search any premises which he has reason to suspect, are being used for the purposes connected with, or conduct of, any prize chit or money circulation scheme in contravention of the provisions of this Act;

(b) examine any person having the control of, or employed in connection with, any such prize chit or money circulation scheme;

(c) order the production of any documents, books or records in the possession or power of any person having the control of, or employed in connection with, any such prize chit or money circulation scheme; and

(d) inspect and seize any register, books of accounts, documents or any other literature found in the said premises.

(3) All searches under this section shall be made in accordance with the provisions of the Code of Criminal Procedure, 1973.

2 of 1974.

8. *Forfeiture of newspaper and publication containing prize chit or money circulation scheme.* — Where any newspaper or other publication contains any material connected with any prize chit or money circulation scheme promoted or conducted in contravention of the provisions of this Act or any advertisement in relation thereto, the State Government may, by notification in the Official Gazette, declare every copy of the newspaper and every copy of the publication containing such material or the advertisement to be forfeited to the State Government.

9. *Power to try offences.* — No court inferior to that of a Chief Metropolitan Magistrate, or as the case may be, Chief Judicial Magistrate, shall try any offence punishable under this Act.

10. *Offences under this Act to be cognizable.* — All offences punishable under this Act shall be cognizable.

11. *Act not to apply to certain prize chits or money circulation schemes.* — Nothing contained in this Act shall apply to any prize chit or money circulation scheme promoted by —

(a) a State Government or any officer or authority on its behalf; or

(b) a company wholly owned by a State Government which does not carry on any business other than the conducting of a prize chit or money circulation scheme whether it is in the nature of a conventional chit or otherwise; or

(c) a banking company as defined in clause (c) of section 5 of the Banking Regulation Act, 1949, or a banking institution notified by the Central Government under section 51 of that Act or the State Bank of India constituted under section 3 of the State Bank of India Act, 1955, or a subsidiary bank constituted under section 3 of the State Bank of India (Subsidiary Banks) Act, 1959, or a corresponding new bank constituted under section 3 of the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970, or a Regional Rural Bank established under section 3 of the Regional Rural Banks Act, 1976, or a co-operative bank as defined in clause (bii) of section 2 of the Reserve Bank of India Act, 1934; or

10 of 1949.

23 of 1955.

38 of 1959.

5 of 1970.

21 of 1976.

2 of 1934.

(d) any charitable or educational institution notified in this behalf by the State Government, in consultation with the Reserve Bank.

12. *Transitional provisions.* — (1) Notwithstanding anything contained in this Act, a person conducting a prize chit or money circulation scheme at the commencement of this Act may continue to conduct such chit or scheme for such period as may be necessary for the winding up of the business relating to such chit or scheme, so however that such period shall not in any case extend beyond a period of two years from such commencement:

Provided that the said person shall furnish to the State Government or to such officer as may be authorised by it in this behalf and to such office of the Reserve Bank as may be prescribed in such form and within such period as may be prescribed, full information regarding the chit or scheme along with a winding up plan prepared in accordance with the provisions of any rules that may be made by the State Government in this behalf under this Act;

Provided further that if the State Government is satisfied, on an application made by the person conducting the prize chit or money circulation scheme, that the chit or scheme cannot be wound up within the period fixed in the winding up plan furnished to the State Government under the foregoing proviso, it may, in consultation with the Reserve Bank, permit such person to continue to conduct the business relating to the said chit or scheme for such further period as may be considered necessary having regard to the circumstances of the case and the interests of the members of the said chit or scheme.

(2) The State Government may, in consultation with the Reserve Bank, approve the winding up plan furnished under sub-section (1) with or without modifications or reject the same and may grant or refuse to grant permission to continue to conduct that chit or scheme:

Provided that no such winding up plan shall be modified or rejected without giving an opportunity

of being heard to the person who conducts such prize chit or money circulation scheme.

(3) If any person fails to furnish full information regarding the said chit or scheme along with its winding up plan in the form and within the period prescribed, he shall forfeit his right to continue the business relating to the said chit or scheme on the expiry of such period.

(4) Notwithstanding anything to the contrary contained in any agreement or arrangement entered into between any person conducting any such chit or scheme and the subscriber, the person conducting the chit or scheme shall, within such period as may be prescribed, refund the monies or the subscriptions collected till the date of default referred to in sub-section (3).

(5) If any person fails to comply with the provisions of sub-section (4), he shall be punishable with imprisonment for a term which may extend to two years, or with fine which may extend to three thousand rupees, or with both:

Provided that in the absence of special and adequate reasons to the contrary to be mentioned in the judgment of the court, the imprisonment shall not be less than one year and the fine shall not be less than one thousand rupees.

13. *Power to make rules.* — (1) The State Government may, by notification in the Official Gazette and in consultation with the Reserve Bank, make rules for the purpose of carrying out the provisions of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for —

(a) the office of the Reserve Bank to whom full information regarding any prize chit or money circulation scheme may be furnished under the first proviso to sub-section (1) of section 12, and the form in which and the period within which such information may be furnished;

(b) the particulars relating to the winding up plan of the business relating to prize chits or money circulation schemes.

14. *Repeals and saving.* — (1) The Andhra Pradesh Money Circulation Scheme (Prohibition) Act, 1965, as in force in the State of Andhra Pradesh, and in the Union territory of Chandigarh and the Madhya Pradesh Dhan Parishalan Skeem (Pratishedh) Adhiniyam, 1975, are hereby repealed.

Andhra Pradesh Act 30 of 1965; Madhya Pradesh Act 19 of 1975.

(2) Notwithstanding the repeal of any Act referred to in sub-section (1), anything done or any action taken under the provisions of any such Act shall, in so far as such thing or action is not inconsistent with the provisions of this Act, be deemed to have been done or taken under the provisions of this Act as if the said provisions were in force when such thing was done or such action was taken and shall continue in force accordingly until superseded by anything done or any action taken under this Act.

The Water (Prevention and Control of Pollution) Amendment Act, 1978

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to amend the Water (Prevention and Control of Pollution) Act, 1974.

Whereas, in pursuance of clause (1) of article 252 of the Constitution, the Water (Prevention and Control of Pollution) Act, 1974, had been passed by Parliament;

And Whereas from the practical experience gained in the working of the aforesaid Act it is considered necessary to make certain amendments thereto;

And Whereas, in pursuance of clause (1) of article 252 of the Constitution read with clause (2) thereof, resolutions have been passed by the Legislative Assemblies of the States of Assam, Haryana and West Bengal to the effect that the said Act should be amended by an Act of Parliament for the purposes hereinafter appearing;

Be it enacted by Parliament in the Twenty-ninth Year of the Republic of India as follows: —

1. *Short title, application and commencement.* — (1) This Act may be called the Water (Prevention and Control of Pollution) Amendment Act, 1978.

(2) It applies, in the first instance, to the whole of the States of Assam, Haryana and West Bengal and the Union territories; and it shall apply to such other State which adopts this Act by resolution passed in that behalf under clause (1) of article 252 of the Constitution read with clause (2) thereof.

(3) It shall come into force, at once in the States of Assam, Haryana and West Bengal and the Union territories, and in any other State which adopts this Act under clause (1) of article 252 of the Constitution read with clause (2) thereof on the date of such adoption and any reference in section 22 of this Act to the commencement of this Act shall, in relation to any State or Union territory, mean the date on which this Act comes into force in such State or Union territory.

2. *Amendment of section 2.* — In section 2 of the Water (Prevention and Control of Pollution) Act, 1974 (hereinafter referred to as the principal Act), —

(a) after clause (d), the following clause shall be inserted, namely: —

“(dd) “outlet” includes any conduit pipe or channel, open or closed, carrying sewage or trade effluent or any other holding arrangement which causes, or is likely to cause, pollution;”;

(b) after clause (g), the following clause shall be inserted, namely: —

“(gg) “sewer” means any conduit pipe or channel, open or closed, carrying sewage or trade effluent;”.

3. *Amendment of section 3.* — In section 3 of the principal Act, in sub-section (2), —

(a) in clause (a), for the words “matters relating to the use and conservation of water resources or

the prevention and control of water pollution", the words "matters relating to environmental protection" shall be substituted;

(b) in clause (b), for the words "five officials", the words "such number of officials, not exceeding five," shall be substituted;

(c) in clause (d), for the words "three non-officials", the words "such number of non-officials, not exceeding three," shall be substituted;

(d) in clause (f), for the words "and having administrative experience", the words "and having practical experience in respect of matters relating to environmental protection" shall be substituted.

4. *Amendment of section 4.* — In section 4 of the principal Act, —

(a) in sub-section (1), the brackets and words "(being a date not later than six months of the commencement of this Act in the State)" shall be omitted and shall be deemed always to have been omitted;

(b) in sub-section (2), —

(i) in clause (a), —

(1) the word "full-time" shall be omitted;

(2) for the words "matters relating to the use and conservation of water resources or the prevention and control of water pollution", the words "matters relating to environmental protection" shall be substituted;

(3) the following proviso shall be inserted at the end namely: —

"Provided that the chairman may be either whole-time or part-time as the State Government may think fit;"

(ii) in clause (b), for the words "five officials", the words "such number of officials, not exceeding five," shall be substituted;

(iii) in clause (c), for the words "five persons", the words "such number of persons, not exceeding five," shall be substituted;

(iv) in clause (d), for the words "three non-officials", the words "such number of non-officials, not exceeding three," shall be substituted;

(v) in clause (f), for the words "and having administrative experience", the words "and having practical experience in matters relating to environmental protection" shall be substituted.

5. *Amendment of section 5.* — In section 5 of the principal Act, —

(a) for sub-section (2), the following sub-section shall be substituted, namely: —

"(2) The term of office of a member of a Board nominated under clause (b) or clause (e) of sub-section (2) of section 3 or clause (b) or clause (e), of sub-section (2) of section 4 shall come to an end as soon as he ceases to hold the office under the Central Government or the State Government, by virtue of which he was company or corporation owned, controlled or managed by the Central Government or the State Government, by virtue of which he was nominated.";

(b) in sub-section (5), for the words, brackets, letters and figures "or where he is nominated

under clause (c) of sub-section (2) of section 3 or under clause (c) of sub-section (2) of section 4, if he ceases to be a member of the State Board, or as the case may be, of the local authority", the following shall be substituted, namely: —

"or where he is nominated under clause (c) or clause (e) of sub-section (2) of section 3 or under clause (c) or clause (e) of sub-section (2) of section 4, if he ceases to be a member of the State Board or of the local authority or, as the case may be, of the company or corporation owned, controlled or managed by the Central Government or the State Government and such vacation of seat shall, in either case, take effect from such date as the Central Government or, as the case may be, the State Government may, by notification in the Official Gazette, specify".

6. *Amendment of section 10.* — In section 10 of the principal Act, after sub-section (2), the following sub-section shall be inserted, namely: —

"(3) A person associated with the Board under sub-section (1) for any purpose shall be paid such fees and allowances, for attending its meetings and for attending to any other work of the Board, as may be prescribed."

7. *Insertion of new section 11A.* — After section 11 of the principal Act, the following section shall be inserted, namely: —

"11A. *Delegation of powers to Chairman.* — The chairman of Board shall exercise such powers and perform such duties as may be prescribed or as may, from time to time, be delegated to him by the Board."

8. *Amendment of section 12.* — In section 12 of the principal Act, —

(a) in sub-section (3), the words "and the rules so made may provide for the salaries and allowances and other terms and conditions of service of such officers and employees" shall be omitted;

(b) after sub-section (3), the following sub-section shall be inserted, namely: —

"(3A) The method of recruitment and the terms and conditions of service (including the scales of pay) of the officers (other than the member-secretary) and other employees of the Central Board or a State Board shall be such as may be determined by regulations made by the Central Board or, as the case may be, by the State Board:

Provided that no regulation made under this sub-section shall take effect unless, —

(a) in the case of a regulation made by the Central Board, it is approved by the Central Government; and

(b) in the case of a regulation made by a State Board, it is approved by the State Government."

9. *Amendment of section 14.* — In section 14 of the principal Act, —

(a) in sub-section (1), —

(i) in clause (a), for the words "matters relating to the use and conservation of water

resources or the prevention and control of water pollution", the words "matters relating to environmental protection" shall be substituted;

(ii) in clause (f), for the words "and having administrative experience", the words "and having practical experience in respect of matters relating to environmental protection" shall be substituted;

(b) in sub-section (2), —

(i) in clause (a), for the words "matters relating to the use and conservation of water resources or the prevention and control of water pollution", the words "matters relating to environmental protection" shall be substituted;

(ii) in clause (f), for the words "and having administrative experience", the words "and having practical experience in respect of matters relating to environmental protection" shall be substituted;

10. *Amendment of section 21.* — In section 21 of the principal Act, for sub-section (4), the following sub-section shall be substituted, namely: —

"(4) When a sample of any sewage or trade effluent is taken for analysis under sub-section (1) and the person taking the sample serves on the occupier or his agent, a notice under clause (a) of sub-section (3) and the occupier or his agent wilfully absents himself, then, —

(a) the samples so taken shall be placed in a container which shall be marked and sealed and shall also be signed by the person taking the sample and the same shall be sent forthwith by such person for analysis to the laboratory referred to in sub-clause (i) or sub-clause (ii), as the case may be, of clause (e) of sub-section (3) and such person shall inform the Government analyst appointed under sub-section (1) or sub-section (2), as the case may be, of section 53, in writing about the wilful absence of the occupier or his agent; and

(b) the cost incurred in getting such sample analysed shall be payable by the occupier or his agent and in case of default of such payment, the same shall be recoverable from the occupier or his agent, as the case may be, as an arrear of land revenue or of public demand:

Provided that no such recovery shall be made unless the occupier or, as the case may be, his agent has been given a reasonable opportunity of being heard in the matter."

11. *Amendment of section 23.* — In section 23 of the principal Act, in sub-section (2), —

(a) for the words and figures "the Code of Criminal Procedure, 1898", the words and figures "the Code of Criminal Procedure, 1973" shall be substituted;

(b) for the word and figures "section 98", the word and figures "section 94" shall be substituted.

12. *Amendment of section 25.* — In section 25 of the principal Act, —

(a) in sub-section (1), for the words "stream or well" at both the places where they occur, the words "stream or well or sewer or on land" shall be substituted;

(b) in sub-section (2), after the words, brackets and figure "under sub-section (1)", the words "shall be accompanied with such fees as may be prescribed and" shall be inserted;

(c) in sub-section (4), in clause (a), for the words "stream or well", the words "stream or well or sewer or on land" shall be substituted;

(d) in sub-section (5), for the words "stream or well", the words "stream or well or sewer or on land" shall be substituted.

13. *Amendment of section 26.* — In section 26 of the principal Act, —

(a) for the words "stream or well", the words "stream or well or sewer or on land" shall be substituted;

(b) for the words "shall be made within a period of three months of the constitution of the State Board", the words "shall be made on or before such date as may be specified by the State Government by notification in this behalf in the Official Gazette" shall be substituted.

14. *Amendment of section 27.* — In section 27 of the principal Act, for sub-section (2), the following sub-section shall be substituted, namely: —

"(2) A State Board may from time to time review —

(a) any condition imposed under section 25 (other than a condition to be satisfied before an outlet is brought into use or a new discharge is made), or section 26 and may serve on the person using the outlet or making the discharge, as the case may be, a notice, making any reasonable variation of or revoking any such condition;

(b) the refusal of any consent referred to in sub-section (1) of section 25 or section 26 or the grant of such consent without any condition, and may make such orders as it deems fit."

15. *Amendment of section 28.* — In section 28 of the principal Act, for sub-section (2), the following sub-section shall be substituted, namely: —

"(2) An appellate authority shall consist of a single person or three persons, as the State Government may think fit, to be appointed by that Government."

16. *Amendment of section 36.* — In section 36 of the principal Act, —

(a) in sub-section (1), after the word "benefactions", the word "fees" shall be inserted;

(b) in sub-section (2), after the words "under this Act", the words "and, where any law for the time being in force relating to the prevention, control or abatement of air pollution provides for the performance of any function, under such law by the Central Board, also for performing its functions under such law" shall be inserted.

17. *Amendment of section 37.* — In section 37 of the principal Act, —

(a) in sub-section (1), after the word "benefactions", the word "fees" shall be inserted;

(b) in sub-section (2), after the words "under this Act", the words "and, where any law for the time being in force relating to the prevention, con-

trol or abatement of air pollution provides for the performance of any function under such law by the State Board, also for performing its functions under such law" shall be inserted.

18. *Amendment of section 39.* — In section 39 of the principal Act, in sub-section (1), for the words "six months", the words "nine months" shall be substituted.

19. *Amendment of section 49.* — In section 49 of the principal Act, —

(a) in sub-section (1), for the words "Presidency Magistrate or a Magistrate", the words "Metropolitan Magistrate or a Judicial Magistrate" shall be substituted;

(b) in sub-section (2), —

(i) for the words and figures "section 32 of the Code of Criminal Procedure, 1898", the words and figures "section 29 of the Code of Criminal Procedure, 1973" shall be substituted;

5 of 1898.

2 of 1974.

(ii) for the words "Magistrate of the first class or for any Presidency Magistrate", the words "Judicial Magistrate of the first class or for any Metropolitan Magistrate" shall be substituted.

20. *Amendment of section 63.* — In section 63 of the principal Act, —

(a) in sub-section (2), —

(i) for clause (d), the following clause shall be substituted, namely: —

"(d) the manner in which and the purposes for which persons may be associated with the Central Board under sub-section (1) of section 10 and the fees and allowances payable to such persons;"

(ii) clauses (h) and (i) shall be omitted;

(b) in sub-section (3), for the words "before the expiry of the session in which it is so laid or the successive sessions aforesaid", the words "before the expiry of the session immediately following the session or the successive sessions aforesaid" shall be substituted.

21. *Amendment of section 64.* — In section 64 of the principal Act, in clause (d) of sub-section (2), the words "and the fees and allowances payable to such persons" shall be inserted at the end.

22. *Validation.* — Notwithstanding anything contained in section 4 of the principal Act, as it stood immediately before the commencement of this Act, every State Board for the prevention and control of water pollution constituted under that section after the expiry of a period of six months of the commencement of the principal Act in the State concerned, shall be deemed to have been validly constituted and accordingly anything done or any action taken by such State Board before the commencement of this Act shall be deemed to have been validly done or taken and no such thing or action shall be called in question in any court merely on the ground that such State Board was constituted after the expiry of the period specified therefor under the said section 4.

Notification

LD/257/79

The following Central Act namely: — The Repealing and Amending Act, 1798 which was recently passed by the Parliament and assented to by the President of India on 26th November, 1978 and published in the Gazette of India, Part II, Section I dated 28th November, 1978 is hereby republished for general information of the public.

B. S. Subbanna, Under Secretary (Law).

Panaji, 22nd January, 1979.

The Repealing and Amending Act, 1978

AN

ACT

to repeal certain enactments and to amend certain other enactments.

Be it enacted by Parliament in the Twenty-ninth Year of the Republic of India as follows: —

1. *Short title.* — This Act may be called the Repealing and Amending Act, 1978.

2. *Repeal of certain enactments.* — The enactments specified in the First Schedule are hereby repealed to the extent mentioned in the fourth column thereof.

Explanation. — In this section and in section 4, "enactment" includes the Indian Union Police Force Regulation, 1358 Fasli.

Hyd. Reg.

XXV of

1358F.

3. *Amendment of certain enactments.* — The enactments specified in the Second Schedule are hereby amended to the extent and in the manner mentioned in the fourth column thereof.

4. *Savings.* — The repeal by this Act of any enactment shall not affect any other enactment in which the repealed enactment has been applied, incorporated or referred to;

and this Act shall not affect the validity, invalidity, effect or consequences of anything already done or suffered, or any right, title, obligation or liability already acquired, accrued or incurred or any remedy or proceeding in respect thereof, or any release or discharge of or from any debt, penalty, obligation, liability, claim or demand, or any idemnity already granted, or the proof of any past act or thing;

nor shall this Act affect any principle or rule of law, or established jurisdiction, form or course of pleading, practice or procedure, or existing usage, custom, privilege, restriction, exemption, office or appointment, notwithstanding that the same respectively may have been in any manner affirmed or recognised or derived by, in or from any enactment hereby repealed;

nor shall the repeal by this Act of any enactment revive or restore any jurisdiction, office, custom, liability, right, title, privilege, restriction, exemption, usage, practice, procedure or other matter or thing not now existing or in force.

THE FIRST SCHEDULE

(See section 2)

Repeals

Year	No.	Short Title	Extent of repeal
1	2	3	4
Central Acts			
1970	41	The Iron Ore Mines Labour Welfare Cess (Amendment) Act, 1970	The whole.
1971	7	The Imports and Exports (Control) Amendment Act, 1971 ...	The whole.
1971	15	The State of Himachal Pradesh (Amendment) Act, 1971 ...	The whole.
1971	16	The Labour Provident Fund Laws (Amendment) Act, 1971 ...	The whole.
1971	21	The Gold (Control) Amendment Act, 1971 ...	Sections 2, 3 and 6.
1971	22	The Salaries and Allowances of Officers of Parliament (Amendment) Act, 1971 ...	The whole.
1971	31	The West Bengal State Legislature (Delegation of Powers) Act, 1971 ...	The whole.
1971	33	The Indian Telegraph (Amendment) Act, 1971 ...	The whole.
1971	35	The Gujarat State Legislature (Delegation of Powers) Act, 1971	The whole.
1971	36	The Punjab State Legislature (Delegation of Powers) Act, 1971	The whole.
1971	39	The Agricultural Refinance Corporation (Amendment) Act, 1971	The whole.
1971	41	The Prevention of Food Adulteration (Amendment) Act, 1971	Sections 2 and 3.
1971	44	The Stamp and Excise Duties (Amendment) Act, 1971 ...	The whole.
1971	45	The Industrial Disputes (Amendment) Act, 1971 ...	The whole.
1971	49	The Air Corporations (Amendment) Act, 1971 ...	The whole.
1971	53	The Forward Contracts (Regulation) Amendment Act, 1971 ...	The whole.
1971	54	The Coal Bearing Areas (Acquisition and Development) Amendment and Validation Act, 1971 ...	Sections 2 to 7.
1971	55	The Arms (Amendment) Act, 1971 ...	The whole.
1971	57	The Visva-Bharati (Amendment) Act, 1971 ...	Sections 2 to 12 and 14.
1971	66	The Essential Commodities (Amendment) Act, 1971 ...	Sections 2, 3 and 5.
1971	67	The Indian Tariff (Amendment) Act, 1971 ...	The whole.
1971	71	The Delhi Road Transport Laws (Amendment) Act, 1971 ...	Sections 2 and 8.
1971	72	The Industries (Development and Regulation) Amendment Act, 1971 ...	Sections 2 to 10.
1971	74	The Personal Injuries (Emergency Provisions) Amendment Act, 1971 ...	Sections 2 and 3.
1971	75	The Personal Injuries (Compensation Insurance) Amendment Act, 1971 ...	Sections 2, 3 and 4.
1971	77	The Supreme Court Judges (Conditions of Service) Amendment Act, 1971 ...	The whole.
1971	78	The High Court Judges (Conditions of Service) Amendment Act, 1971 ...	The whole.
1971	79	The Commissions of Inquiry (Amendment) Act, 1971 ...	Sections 2 to 14.
1971	80	The Companies (Amendment) Act, 1971 ...	The whole.
1971	83	The Government of Union Territories (Amendment) Act, 1971 ...	The whole.
1972	7	The Armed Forces (Assam and Manipur) Special Powers (Amendment) Act, 1972 ...	Sections 2 to 4.
1972	8	The Administrators General (Amendment) Act, 1972 ...	The whole.
1972	10	The Contingency Fund of India (Amendment) Act, 1972 ...	The whole.
1972	12	The Aircraft (Amendment) Act, 1972 ...	The whole.
1972	21	The Maternity Benefit (Amendment) Act, 1972 ...	The whole.
1972	22	The Cantonments (Extension of Rent Control Laws) Amendment Act, 1972 ...	The whole.
1972	23	The Secunderabad and Aurangabad Cantonments House Rent Control Law (Repeal) Act, 1972 ...	The whole.
1972	25	The Taxation Laws (Extension to Jammu and Kashmir) Act, 1972	Sub-section (3) of section 2 and the Schedule.
1972	27	The General Insurance (Emergency Provisions) Amendment Act, 1972 ...	Sections 2 and 3.
1972	29	The Salaries and Allowances of Members of Parliament (Amendment) Act, 1972 ...	The whole.
1972	31	The Criminal Law (Amendment) Act, 1972 ...	The whole.
1972	32	The Industrial Disputes (Amendment) Act, 1972 ...	The whole.

1	2	3	4
1972	33	The University Grants Commission (Amendment) Act, 1972 ...	Sections 2 to 8 and 10.
1972	34	The Aligarh Muslim University (Amendment) Act, 1972 ...	Sections 2 to 32.
1972	37	The Supreme Court (Enlargement of Criminal Appellate Jurisdiction) Amendment Act, 1972 ...	The whole.
1972	38	The Indian Telegraph (Amendment) Act, 1972 ...	The whole.
1972	40	The Victoria Memorial (Amendment) Act, 1972 ...	The whole.
1972	41	The Income-tax (Amendment) Act, 1972 ...	Sections 2, 3 and 6.
1972	42	The Dentists (Amendment) Act, 1972 ...	The whole.
1972	45	The Taxation Laws (Amendment) Act, 1972 ...	Sections 2 to 24.
1972	46	The Insecticides (Amendment) Act, 1972 ...	The whole.
1972	47	The Rice-Milling Industry (Regulation) Amendment Act, 1972 ...	The whole.
1972	48	The Delhi University (Amendment) Act, 1972 ...	The whole.
1972	49	The Punjab New Capital (Periphery) Control (Chandigarh Amendment) Act, 1972 ...	The whole.
1972	54	The Rulers of Indian States (Abolition of Privileges) Act, 1972 ...	The whole.
1972	55	The Seeds (Amendment) Act, 1972 ...	The whole.
1972	56	The Mines and Minerals (Regulation and Development) Amendment) Act, 1972 ...	The whole.
1972	57	The General Insurance Business (Nationalisation) Act, 1972 ...	Section 40.
1972	58	The Indian Copper Corporation (Acquisition of Undertaking) Act, 1972 ...	Section 19.
1972	60	The Khadi and other Handloom Industries Development (Additional Excise Duty on Cloth) Amendment Act, 1972 ...	Sections 2 and 3.
1972	61	The Central Sales Tax (Amendment) Act, 1972 ...	Sections 2 to 13.
1972	67	The Food Corporations (Amendment) Act, 1972 ...	The whole.
1972	68	The Payment of Bonus (Amendment) Act, 1972 ...	The whole.
1972	69	The Carriage by Air Act, 1972 ...	Section 9.
1972	70	The Coal Mines Labour Welfare Fund (Amendment) Act, 1972 ...	The whole.
1972	71	The Indian Railways (Amendment) Act, 1972 ...	The whole.
1972	73	The Indian Tariff (Amendment) Act, 1972 ...	The whole.
1972	74	The Industrial Finance Corporation (Amendment) Act, 1972 ...	The whole.
1972	75	The Industrial Development Bank of India (Amendment) Act, 1972 ...	The whole.
1972	77	The State Financial Corporations (Amendment) Act, 1972 ...	The whole.
1973	1	The Requisitioning and Acquisition of Immovable Property (Amendment) Act, 1973 ...	The whole.
1973	2	The Diplomatic and Consular Officers (Oaths and Fees) (Extension to Jammu and Kashmir) Act, 1973 ...	Section 3.
1973	3	The Seaward Artillery Practice (Amendment) Act, 1973 ...	The whole.
1973	8	The Andhra Pradesh State Legislature (Delegation of Powers) Act, 1973 ...	The whole.
1973	17	The Capital of Punjab (Development and Regulation) (Chandigarh Amendment) Act, 1973 ...	Sections 2 to 6.
1973	20	The Orissa State Legislature (Delegation of Powers) Act, 1973 ...	The whole.
1973	22	The Central Excises and Salt (Amendment) Act, 1973 ...	The whole.
1973	23	The Manipur State Legislature (Delegation of Powers) Act, 1973 ...	The whole.
1973	25	The Cinematograph (Amendment) Act, 1973 ...	Sections 2 to 4.
1973	27	The Apprentices (Amendment) Act, 1973 ...	The whole.
1973	32	The National Co-operative Development Corporation (Amendment) Act, 1973 ...	The whole.
1973	33	The Uttar Pradesh State Legislature (Delegation of Powers) Act, 1973 ...	The whole.
1973	36	The Customs, Gold (Control) and Central Excises and Salt (Amendment) Act, 1973 ...	The whole.
1973	37	The Agricultural Refinance Corporation (Amendment) Act, 1973 ...	The whole.
1973	39	The Payment of Bonus (Amendment) Act, 1973 ...	The whole.
1973	40	The Employees' Provident Funds and Family Pension Fund (Amendment) Act, 1973 ...	The whole.
1973	41	The Coking and Non-coking Coal Mines (Nationalisation) Amendment Act, 1973 ...	The whole.
1973	44	The Reserve Bank of India (Amendment) Act, 1973 ...	The whole.
1973	45	The Indian Railways (Amendment) Act, 1973 ...	The whole.

1	2	3	4
1973	47	The Foreign Awards (Recognition and Enforcement) Amendment Act, 1973	The whole.
1973	48	The State Bank Laws (Amendment) Act, 1973	The whole.
1973	49	The Code of Civil Procedure (Amendment) Act, 1973	The whole.
1973	51	The Textiles Committee (Amendment) Act, 1973	The whole.
1973	52	The Maternity Benefit (Amendment) Act, 1973	The whole.
1973	54	The Indian Railways (Second Amendment) Act, 1973	The whole.
1973	55	The Payment of Bonus (Second Amendment) Act, 1973	Section 2.
1973	58	The Central Excises and Salt (Second Amendment) Act, 1973	The whole.
1973	60	The Advocates (Amendment) Act, 1973	The whole.
1973	66	The Income-tax (Amendment) Act, 1973	Section 2.
1973	67	The Industries (Development and Regulation) Amendment Act, 1973	The whole.
1974	3	The National Co-operative Development Corporation (Amendment) Act, 1974	The whole.
1974	5	The Presidential and Vice-Presidential Elections (Amendment) Act, 1974	The whole.
1974	8	The North Eastern Areas (Reorganisation) Amendment Act, 1974	The whole.
1974	11	The Gujarat State Legislature (Delegation of Powers) Act, 1974	The whole.
1974	21	The Estate Duty (Distribution) Amendment Act, 1974	The whole.
1974	22	The Additional Duties of Excise (Goods of Special Importance) Amendment Act, 1974	The whole.
1974	23	The Union Duties of Excise (Distribution) Amendment Act, 1974	The whole.
1974	26	The Direct Taxes (Amendment) Act, 1974	Sections 2 to 21.
1974	28	The Coal Mines (Conservation and Development) Act, 1974	Section 19.
1974	29	The Major Port Trusts (Amendment) Act, 1974	Sections 2 to 39.
1974	30	The Essential Commodities (Amendment) Act, 1974	Sections 2 to 12 and 14.
1974	32	The Industries (Development and Regulation) Amendment Act, 1974	The whole.
1974	33	The Alcock Ashdown Company Limited (Acquisition of Undertakings) Amendment Act, 1974	The whole.
1974	36	The Indian Iron and Steel Company (Taking Over of Management) Amendment Act, 1974	The whole.
1974	40	The Esso (Acquisition of Undertakings in India) Amendment Act, 1974	The whole.
1974	41	The Companies (Amendment) Act, 1974	The whole.
1974	42	The Payment of Bonus (Amendment) Act, 1974	The whole.
1974	45	The Interest-tax Act, 1974	Section 30
1974	46	The Delhi Sikh Gurdwaras (Amendment) Act, 1974	The whole.
1974	48	The Indian Telegraph (Amendment) Act, 1974	Section 2.
1974	49	The Small Coins (Offences) Amendment Act, 1974	The whole.
1974	50	The Indian Works of Defence (Amendment) Act, 1974	The whole.
1974	51	The Reserve Bank of India (Amendment) Act, 1974	The whole.
1974	53	The Navy (Amendment) Act, 1974	The whole.
1974	55	The Delhi Municipal Corporation (Amendment) Act, 1974	The whole.
1974	56	The Repealing and Amending Act, 1974	The whole.
1974	59	The Punjab Municipal (Chandigarh Amendment) Act, 1974	The whole.
1974	60	The Working Journalists (Conditions of Service) and Miscellaneous Provisions (Amendment) Act, 1974	The whole.
1974	65	The Salaries and Allowances of Members of Parliament (Amendment) Act, 1974	The whole.
1975	1	The Indian Tariff (Amendment) Act, 1975	The whole.
1975	2	The Requisitioning and Acquisition of Immovable Property (Amendment) Act, 1975	The whole.
1975	3	The North-Eastern Areas (Reorganisation) Amendment Act, 1975	The whole.
1975	13	The Air Force and Army Laws (Amendment) Act, 1975	The whole.
1975	16	The Trust Laws (Amendment) Act, 1975	The whole.
1975	19	The All-India Services Regulations (Indemnity) Act, 1975	Section 3.
1975	23	The All-India Services (Amendment) Act, 1975	Section 2.
1975	24	The Former Secretary of State Service Officers (Conditions of Service) Amendment Act, 1975	The whole.

1	2	3	4
1975	28	The Companies (Temporary Restrictions on Dividends) Amendment Act, 1975	The whole.
1975	31	The Nagaland State Legislature (Delegation of Powers) Act, 1975	The whole.
1975	38	The Employees' State Insurance (Amendment) Act, 1975	The whole.
1975	39	The Maintenance of Internal Security (Amendment) Act, 1975 ...	The whole.
1975	44	The Telegraph Wires (Unlawful Possession) Amendment Act, 1975	The whole.
1975	45	The Agricultural Refinance Corporation (Amendment) Act, 1975	Sub-section (1) of section 2 and sections 3 to 15.
1975	46	The Provident Funds (Amendment) Act, 1975	The whole.
1975	47	The Indian Coinage (Amendment) Act, 1975	The whole.
1975	48	The Salaries and Allowances of Members of Parliament (Amendment) Act, 1975	The whole.
1975	50	The National Cadet Corps (Amendment) Act, 1975	The whole.
1975	52	The Public Financial Institutions Laws (Amendment) Act, 1975 ...	Sections 2 to 20 and 22 to 58.
<i>Hyderabad Regulation</i>			
		The Indian Union Police Force Regulation, 1358 Fasli (Hyderabad Regulation No. XXV of 1358F.)	The whole.

THE SECOND SCHEDULE

(See section 3)

Amendments

Year	No.	Short Title	Amendments
1	2	3	4
1908	5	The Code of Civil Procedure, 1908.	(1) In sub-section (2) of section 123, — (i) in clause (c), the word "and" occurring at the end shall be omitted; (ii) clause (d) shall be omitted. (2) In the First Schedule, in Order XXI, in rule 23, in sub-rule (1), for the words "the last preceding rule" the word and figures "rule 22" shall be substituted.
1951	43	The Representation of the People Act, 1951.	(a) In sub-section (1) of section 11A, — (i) the brackets and letter "(a)" occurring before the words "is convicted" shall be omitted; (ii) the word "or" occurring before the words "he shall" shall be omitted. (b) In sub-section (3) of section 33, for the words, brackets, letter and figure "clause (f) of section 7", the word and figure "section 9" shall be substituted.
1956	74	The Central Sales Tax Act, 1956.	In item (i) of clause (iv) of section 14, for the words "ingot moulds bottom plates", the words "ingot moulds, bottom plates" shall be substituted.
1973	26	The Coal Mines (Nationalisation) Act, 1973.	In clause (b) of sub-section (2) of section 22, for the word and figures "section 15", the word and figures "section 14" shall be substituted.
1974	4	The Esso (Acquisition of Undertakings in India) Act, 1974.	In sub-section (4) of section 4, for the words "against the concerned Government company", the words "by or against the concerned Government company" shall be substituted.
1975	43	The Delhi Sales Tax Act, 1975.	(i) In sub-section (3) of section 14, in the second proviso, for the words "points of sale", the words "point of sale" shall be substituted. (ii) In sub-section (4) of section 19, for the words "the firm who changed constitution", the words "the firm which changed the constitution" shall be substituted.
1976	2	The Burmah Shell (Acquisition of Undertakings in India) Act, 1976.	In sub-section (2) of section 15, after the words "secretary or other officer", the words "of the company, such director, manager, secretary or other officer" shall be inserted.

Notification

LD/58025/79

The following Act received from the Government of India, Ministry of Law, Justice and Company Affairs, New Delhi is hereby republished for general information of the public. The Act was assented to by the President of India on 30-4-1979 and was published in the Gazette of India Extraordinary, Part II, Section 1, dated 30th April 1979.

B. S. Subbanna, Under Secretary (Law).

Panaji, 26th May, 1979.

The Constitution. (Forty-Fourth Amendment) Act, 1978

ARRANGEMENT OF SECTIONS

Sections

1. Short title and commencement.
2. Amendment of article 19.
3. Amendment of article 22.
4. Amendment of article 30.
5. Omission of sub-heading after article 30.
6. Omission of article 31.
7. Amendment of article 31A.
8. Amendment of article 31C.
9. Amendment of article 38.
10. Substitution of new article for article 71.
11. Amendment of article 74.
12. Amendment of article 77.
13. Amendment of article 83.
14. Substitution of new article for article 103.
15. Amendment of article 105.
16. Amendment of article 123.
17. Amendment of article 132.
18. Amendment of article 133.
19. Amendment of article 134.
20. Insertion of new article 134A.
21. Amendment of article 139A.
22. Amendment of article 150.
23. Amendment of article 166.
24. Amendment of article 172.
25. Substitution of new article for article 192.
26. Amendment of article 194.
27. Amendment of article 213.
28. Amendment of article 217.
29. Amendment of article 225.
30. Amendment of article 226.
31. Amendment of article 227.
32. Amendment of article 239B.
33. Omission of article 257A.
34. Insertion of new Chapter IV in Part XII.
35. Amendment of article 329.
36. Omission of article 329A.
37. Amendment of article 352.
38. Amendment of article 356.
39. Amendment of article 358.
40. Amendment of article 359.
41. Amendment of article 360.
42. Insertion of new article 361A.
43. Amendment of article 371F.
44. Amendment of the Ninth Schedule.
45. Amendment of the Constitution (Forty-second Amendment) Act, 1976.

The Constitution (Forty-Fourth Amendment) Act, 1978

AN

ACT

furth^r to amend the Constitution of India.

Be it enacted by Parliament in the Twenty-ninth Year of the Republic of India as follows:—

1. *Short title and commencement.*—(1) This Act may be called the Constitution (Forty-fourth Amendment) Act, 1978.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint and different dates may be appointed for different provisions of this Act.

2. *Amendment of article 19.*—In article 19 of the Constitution,—

(a) in clause (1),—

(i) in sub-clause (e), the word “and” shall be inserted at the end;

(ii) sub-clause (f) shall be omitted;

(b) in clause (5), for the words, brackets and letters “sub-clauses (d), (e) and (f)”, the words, brackets and letters “sub-clauses (d) and (e)” shall be substituted.

3. *Amendment of Article 22.*—In article 22 of the Constitution,—

(a) for clause (4), the following clause shall be substituted, namely:—

“(4) No law providing for preventive detention shall authorise the detention of a person for a longer period than two months unless an Advisory Board constituted in accordance with the recommendations of the Chief Justice of the appropriate High Court has reported before the expiration of the said period of two months that there is in its opinion sufficient cause for such detention:

Provided that an Advisory Board shall consist of a Chairman and not less than two other members, and the Chairman shall be a serving Judge of the appropriate High Court and the other members shall be serving or retired Judges of any High Court:

Provided further that nothing in this clause shall authorise the detention of any person beyond the maximum period prescribed by any law made by Parliament under sub-clause (a) of clause (7).

Explanation.—In this clause, “appropriate High Court” means,—

(i) in the case of the detention of a person in pursuance of an order of detention made by the Government of India or an officer or authority subordinate to that Government, the High Court for the Union territory of Delhi;

(ii) in the case of the detention of a person in pursuance of an order of detention made by the Government of any State (other than a Union territory), the High Court for that State; and

(iii) in the case of the detention of a person in pursuance of an order of detention made by the administrator of a Union territory or an officer or authority subordinate to such administrator, such High Court as may be specified by or under any law made by Parliament in this behalf;’

(b) in clause (7),—

(i) sub-clause (a) shall be omitted;

(ii) sub-clause (b) shall be re-lettered as sub-clause (a); and

(iii) sub-clause (c) shall be re-lettered as sub-clause (b) and in the sub-clause as so re-lettered, for the words, brackets, letter and figure "sub-clause (a) of clause (4)", the word, brackets and figure "clause (4)" shall be substituted.

4. *Amendment of article 30.* — In article 30 of the Constitution, after clause (1), the following clause shall be inserted, namely: —

"(1A) In making any law providing for the compulsory acquisition of any property of an educational institution established and administered by a minority, referred to in clause (1), the State shall ensure that the amount fixed by or determined under such law for the acquisition of such property is such as would not restrict or abrogate the right guaranteed under that clause."

5. *Omission of sub-heading after article 30.* — The sub-heading "Right to Property" occurring after article 30 of the Constitution shall be omitted.

6. *Omission of article 31.* — Article 31 of the Constitution shall be omitted.

7. *Amendment of article 31A.* — In article 31A of the Constitution, in clause (1), for the words and figures "article 14, article 19 or article 31", the words and figures "article 14 or article 19" shall be substituted.

8. *Amendment of article 31C.* — In article 31C of the Constitution, for the words and figures "article 14, article 19 or article 31", the words and figures "article 14 or article 19" shall be substituted.

9. *Amendment of article 38.* — Article 38 of the Constitution shall be renumbered as clause (1) thereof and after the clause as so renumbered, the following clause shall be inserted, namely: —

"(2) The State shall, in particular, strive to minimise the inequalities in income, and endeavour to eliminate inequalities in status, facilities and opportunities, not only amongst individuals but also amongst groups of people residing in different areas or engaged in different vocations."

10. *Substitution of new article for article 71.* — For article 71 of the Constitution, the following article shall be substituted, namely: —

"71. *Matters relating to, or connected with, the election of a President or Vice-President.* — (1) All doubts and disputes arising out of or in connection with the election of a President or Vice-President shall be inquired into and decided by the Supreme Court whose decision shall be final.

(2) If the election of a person as President or Vice-President is declared void by the Supreme Court, acts done by him in exercise and performance of the powers and duties of the office of President or Vice-President, as the case may be, on or before the date of the decision of the Supreme Court shall not be invalidated by reason of that declaration.

(3) Subject to the provisions of this Constitution, Parliament may by law regulate any matter relating to or connected with the election of a President or Vice-President.

(4) The election of a person as President or Vice-President shall not be called in question on the ground of the existence of any vacancy for whatever reason among the members of the electoral college electing him."

11. *Amendment of article 74.* — In article 74 of the Constitution, in clause (1), the following proviso shall be inserted at the end, namely: —

"Provided that the President may require the Council of Ministers to reconsider such advice, either generally or otherwise, and the President shall act in accordance with the advice tendered after such reconsideration."

12. *Amendment of article 77.* — In article 77 of the Constitution, clause (4) shall be omitted.

13. *Amendment of article 83.* — (1) In article 83 of the Constitution, in Clause (2), for the words "six years" in both the places where they occur, the words "five years" shall be substituted.

(2) The amendments made by sub-section (1) to clause (2) of article 83 shall apply also to the House of the People in existence on the date of coming into force of this section without prejudice to the power of Parliament with respect to the extension of the duration of that House under the proviso to that clause.

14. *Substitution of new article for article 103.* — For article 103 of the Constitution, the following article shall be substituted, namely: —

"103. *Decision on questions as to disqualifications of members.* — (1) If any question arises as to whether a member of either House of Parliament has become subject to any of the disqualifications mentioned in Clause (1) of article 102, the question shall be referred for the decision of the President and his decision shall be final.

(2) Before giving any decision on any such question, the President shall obtain the opinion of the Election Commission and shall act according to such opinion."

15. *Amendment of article 105.* — In article 105 of the Constitution, in clause (3), for the words "shall be those of the House of Commons of the Parliament of the United Kingdom, and of its members and committees, at the commencement of this Constitution", the words, figures and brackets "shall be those of that House and of its members and committees immediately before the coming into force of section 15 of the Constitution (Forty-fourth Amendment) Act, 1978" shall be substituted.

16. *Amendment of article 123.* — In article 123 of the Constitution, clause (4) shall be omitted.

17. *Amendment of article 132.* — In article 132 of the Constitution, —

(a) in clause (1), for the words "if the High Court certifies", the words, figures and letter "if the High Court certifies under article 134A" shall be substituted;

(b) clause (2) shall be omitted;

(c) in clause (3), the words "or such leave is granted," and the words "and, with the leave of

the Supreme Court, on any other ground" shall be omitted.

18. *Amendment of article 133.* — In article 133 of the Constitution, in clause (1), for the words "if the High Court certifies —", the words, figures and letter "if the High Court certifies under article 134A —" shall be substituted.

19. *Amendment of article 134.* — In article 134 of the Constitution, in sub-clause (c) of clause (1), for the word "certifies", the words, figures and letter "certifies under article 134A" shall be substituted.

20. *Insertion of new article 134A.* — After article 134 of the Constitution, the following article shall be inserted, namely: —

"134A. *Certificate for appeal to the Supreme Court.* — Every High Court, passing or making a judgment, decree, final order, or sentence, referred to in clause (1) of article 132 or clause (1) of article 133, or clause (1) of article 134, —

(a) may, if it deems fit so to do, on its own motion; and

(b) shall, if an oral application is made, by or on behalf of the party aggrieved, immediately after the passing or making of such judgment, decree, final order or sentence,

determine, as soon as may be after such passing or making, the question whether a certificate of the nature referred to in clause (1) of article 132, or clause (1) of article 133 or, as the case may be, sub-clause (c) of clause (1) of article 134, may be given in respect of that case."

21. *Amendment of article 139A.* — In article 139A of the Constitution, for clause (1), the following clause shall be substituted, namely: —

"(1) Where cases involving the same or substantially the same questions of law are pending before the Supreme Court and one or more High Courts or before two or more High Courts and the Supreme Court is satisfied on its own motion or on an application made by the Attorney-General of India or by a party to any such case that such questions are substantial questions of general importance, the Supreme Court may withdraw the case or cases pending before the High Court or the High Courts and dispose of all the cases itself:

Provided that the Supreme Court may after determining the said questions of law return any case so withdrawn together with a copy of its judgment on such questions to the High Court from which the case has been withdrawn, and the High Court shall on receipt thereof, proceed to dispose of the case in conformity with such judgment."

22. *Amendment of article 150.* — In article 150 of the Constitution, for the words "after consultation with", the words "on the advice of" shall be substituted.

23. *Amendment of article 166.* — In article 166 of the Constitution, clause (4) shall be omitted.

24. *Amendment of article 172.* — (1) In article 172 of the Constitution, in clause (1), for the words

"six years" in both the places where they occur, the words "five years" shall be substituted.

(2) The amendments made by sub-section (1) to clause (1) of article 172 —

(a) shall not apply to any existing State Legislative Assembly the period of existence whereof as computed from the date appointed for its first meeting to the date of coming into force of this section (both dates inclusive) is more than four years and eight months but every such Assembly shall, unless sooner dissolved, stand dissolved on the expiry of —

(i) a period of four months from the date of coming into force of this section; or

(ii) a period of six years from the date appointed for its first meeting,

whichever period expires earlier;

(b) shall apply to every other existing State Legislative Assembly without prejudice to the power of Parliament with respect to the extension of duration of such Assembly under the proviso to the said clause (1).

Explanation I. — In its application to the Legislative Assembly of the State of Sikkim referred to in clause (b) of article 371F of the Constitution, this sub-section shall have effect as if —

(i) the date appointed for the first meeting of that Assembly were the 26th day of April, 1975; and

(ii) the references in clause (a) of this sub-section to "four years and eight months" and "six years" were references to "three years and eight months" and "five years" respectively.

Explanation II. — In this sub-section, "existing State Legislative Assembly" means the Legislative Assembly of a State in existence on the date of coming into force of this section.

25. *Substitution of new article for article 192.* — For article 192 of the Constitution, the following article shall be substituted, namely: —

"192. *Decision on questions as to disqualifications of members.* — (1) If any question arises as to whether a member of a House of the Legislature of a State has become subject to any of the disqualifications mentioned in clause (1) of article 191, the question shall be referred for the decision of the Governor and his decision shall be final.

(2) Before giving any decision on any such question, the Governor shall obtain the opinion of the Election Commission and shall act according to such opinion."

26. *Amendment of article 194.* — In article 194 of the Constitution, in clause (3), for the words "shall be those of the House of Commons of the Parliament of the United Kingdom, and of its members and committees, at the commencement of this Constitution", the words, figures and brackets "shall be those of that House and of its members and committees immediately before the coming into force of section 26 of the Constitution (Forty-fourth Amendment) Act, 1978" shall be substituted.

27. *Amendment of article 213.* — In article 213 of the Constitution, clause (4) shall be omitted.

28. *Amendment of article 217.* — In article 217 of the Constitution, in clause (2), —

(a) in sub-clause (b), the word "or" occurring at the end shall be omitted;

(b) sub-clause (c) shall be omitted;

(c) in the *Explanation*, clause (a) shall be re-lettered as clause (aa) and before clause (aa) as so re-lettered, the following clause shall be inserted, namely: —

"(a) in computing the period during which a person has held judicial office in the territory of India, there shall be included any period, after he has held any judicial office, during which the person has been an advocate of a High Court or has held the office of a member of a tribunal or any post, under the Union or a State, requiring special knowledge of law;"

29. *Amendment of article 225.* — In article 225 of the Constitution, the following proviso shall be inserted at the end, namely: —

"Provided that any restriction to which the exercise of original jurisdiction by any of the High Courts with respect to any matter concerning the revenue or concerning any act ordered or done in the collection thereof was subject immediately before the commencement of this Constitution shall no longer apply to the exercise of such jurisdiction."

30. *Amendment of article 226.* — In article 226 of the Constitution, —

(a) in clause (1), for the portion beginning with the words "writs in the nature of *habeas corpus*, *mandamus*, prohibition, *quo warranto* and *certiorari*, or any of them" and ending with the words "such illegality has resulted in substantial failure of justice.", the following shall be substituted, namely: —

"writs in the nature of *habeas corpus*, *mandamus*, prohibition, *quo warranto* and *certiorari*, or any of them, for the enforcement of any of the rights conferred by Part III and for any other purpose.";

(b) for clauses (3), (4), (5) and (6); the following clause shall be substituted, namely: —

"(3) Where any party against whom an interim order, whether by way of injunction or stay or in any other manner, is made on, or in any proceedings relating to, a petition under clause (1), without —

(a) furnishing to such party copies of such petition and all documents in support of the plea for such interim order; and

(b) giving such party an opportunity of being heard,

makes an application to the High Court for the vacation of such order and furnishes a copy of such application to the party in whose favour such order has been made or the counsel of such party, the High Court shall dispose of the

application within a period of two weeks from the date on which it is received or from the date on which the copy of such application is so furnished, whichever is later, or where the High Court is closed on the last day of that period, before the expiry of the next day afterwards on which the High Court is open; and if the application is not so disposed of, the interim order shall, on the expiry of that period, or, as the case may be, the expiry of the said next day, stand vacated."

(c) clause (7) shall be renumbered as clause (4).

31. *Amendment of article 227.* — In article 227 of the Constitution, —

(a) for clause (1), the following clause shall be substituted, namely: —

"(1) Every High Court shall have superintendence over all courts and tribunals throughout the territories in relation to which it exercises jurisdiction.";

(b) clause (5) shall be omitted.

32. *Amendment of article 239B.* — In article 239B of the Constitution, clause (4) shall be omitted.

33. *Omission of article 257A.* — Article 257A of the Constitution shall be omitted.

34. *Insertion of new Chapter IV in Part XII.* — In Part XII of the Constitution, after Chapter III, the following Chapter shall be inserted, namely: —

"CHAPTER IV. — RIGHT TO PROPERTY

300A. *Persons not to be deprived of property save by authority of law.* — No person shall be deprived of his property save by authority of law."

35. *Amendment of article 329.* — In article 329 of the Constitution, in the opening portion, the words, figures and letter "but subject to the provisions of article 329A" shall be omitted.

36. *Omission of article 329A.* — Article 329A of the Constitution shall be omitted.

37. *Amendment of article 352.* — In article 352 of the Constitution, —

(a) in clause (1), —

(i) for the words "internal disturbance", the words "armed rebellion" shall be substituted;

(ii) the following *Explanation* shall be inserted at the end, namely: —

"*Explanation.* — A Proclamation of Emergency declaring that the security of India or any part of the territory thereof is threatened by war or by external aggression or by armed rebellion may be made before the actual occurrence of war or of any such aggression or rebellion, if the President is satisfied that there is imminent danger thereof.";

(b) for clauses (2), (2A) and (3), the following clauses shall be substituted, namely: —

"(2) A Proclamation issued under clause (1) may be varied or revoked by a subsequent Proclamation.

(3) The President shall not issue a Proclamation under clause (1) or a Proclamation varying such Proclamation unless the decision of the Union Cabinet (that is to say, the Council consisting of the Prime Minister and other Ministers of Cabinet rank appointed under article 75) that such a Proclamation may be issued has been communicated to him in writing.

(4) Every Proclamation issued under this article shall be laid before each House of Parliament and shall, except where it is a Proclamation revoking a previous Proclamation, cease to operate at the expiration of one month unless before the expiration of that period it has been approved by resolutions of both Houses of Parliament:

Provided that if any such Proclamation (not being a Proclamation revoking a previous Proclamation) is issued at a time when the House of the People has been dissolved, or the dissolution of the House of the People takes place during the period of one month referred to in this clause, and if a resolution approving the Proclamation has been passed by the Council of States, but no resolution with respect to such Proclamation has been passed by the House of the People before the expiration of that period, the Proclamation shall cease to operate at the expiration of thirty days from the date on which the House of the People first sits after its reconstitution, unless before the expiration of the said period of thirty days a resolution approving the Proclamation has been also passed by the House of the People.

(5) A Proclamation so approved shall, unless revoked, cease to operate on the expiration of a period of six months from the date of the passing of the second of the resolutions approving the Proclamation under clause (4):

Provided that if and so often as a resolution approving the continuance in force of such a Proclamation is passed by both Houses of Parliament the Proclamation shall, unless revoked, continue in force for a further period of six months from the date on which it would otherwise have ceased to operate under this clause:

Provided further that if the dissolution of the House of the People takes place during any such period of six months and a resolution approving the continuance in force of such Proclamation has been passed by the Council of States but no resolution with respect to the continuance in force of such Proclamation has been passed by the House of the People during the said period, the Proclamation shall cease to operate at the expiration of thirty days from the date on which the House of the People first sits after its reconstitution unless before the expiration of the said period of thirty days, a resolution approving the continuance in force of the Proclamation has been also passed by the House of the People.

(6) For the purposes of clauses (4) and (5), a resolution may be passed by either House of Parliament only by a majority of the total membership of that House and by a majority of not less than two-thirds of the members of that House present and voting.

(7) Notwithstanding anything contained in the foregoing clauses, the President shall revoke a Proclamation issued under clause (1) or a Proclamation varying such Proclamation if the House of the People passes a resolution disapproving, or, as the case may be, disapproving the continuance in force of, such Proclamation.

(8) Where a notice in writing signed by not less than one-tenth of the total number of members of the House of the People has been given, of their intention to move a resolution for disapproving, or, as the case may be, for disapproving the continuance in force of, a Proclamation issued under clause (1) or a Proclamation varying such Proclamation, —

(a) to the Speaker, if the House is in session; or

(b) to the President, if the House is not in session,

a special sitting of the House shall be held within fourteen days from the date on which such notice is received by the Speaker, or, as the case may be, by the President, for the purpose of considering such resolution.”;

(c) clause (4) shall be renumbered as clause (9) and in the clause as so renumbered, for the words “internal disturbance” in both the places where they occur, the words “armed rebellion” shall be substituted;

(d) clause (5) shall be omitted.

38. *Amendment of article 356.* — In article 356 of the Constitution, —

(a) in clause (4), —

(i) for the words, brackets and figure “one year from the date of the passing of the second of the resolutions approving the Proclamation under clause (3)”, the words “six months from the date of issue of the Proclamation” shall be substituted;

(ii) in the first proviso, for the words “one year”, the words “six months” shall be substituted;

(iii) in the second proviso, for the words “one year”, the words “six months” shall be substituted;

(b) for clause (5), the following clause shall be substituted, namely: —

“(5) Notwithstanding anything contained in clause (4), a resolution with respect to the continuance in force of a Proclamation approved under clause (3) for any period beyond the expiration of one year from the date of issue of such Proclamation shall not be passed by either House of Parliament unless —

(a) a Proclamation of Emergency is in operation, in the whole of India or, as the case may be, in the whole or any part of the State, at the time of the passing of such resolution, and

(b) the Election Commission certifies that the continuance in force of the Proclamation approved under clause (3) during the period specified in such resolution is necessary on account of difficulties in holding general elec-

tions to the Legislative Assembly of the State concerned.”.

39. *Amendment of article 358.*— Article 358 of the Constitution shall be renumbered as clause (1) of that article, and —

(a) in clause (1) as so renumbered, —

(i) in the opening portion, for the words “While a Proclamation of Emergency is in operation”, the words “While a Proclamation of Emergency declaring that the security of India or any part of the territory thereof is threatened by war or by external aggression is in operation” shall be substituted;

(ii) in the proviso, for the words “where a Proclamation of Emergency”, the words “where such Proclamation of Emergency” shall be substituted;

(b) after clause (1) as so renumbered, the following clause shall be inserted, namely: —

“(2) Nothing in clause (1) shall apply —

(a) to any law which does not contain a recital to the effect that such law is in relation to the Proclamation of Emergency in operation when it is made; or

(b) to any executive action taken otherwise than under a law containing such a recital.”.

40. *Amendment of article 359.*— In article 359 of the Constitution, —

(a) in clauses (1) and (1A), for the words and figures “the rights conferred by Part III”, the words, figures and brackets “the rights conferred by Part III (except articles 20 and 21)” shall be substituted;

(b) after clause (1A), the following clause shall be inserted, namely: —

“(1B) Nothing in clause (1A) shall apply —

(a) to any law which does not contain a recital to the effect that such law is in relation to the Proclamation of Emergency in operation when it is made; or

(b) to any executive action taken otherwise than under a law containing such a recital.”.

41. *Amendment of article 360.*— In article 360 of the Constitution, —

(a) for clause (2), the following clause shall be substituted, namely: —

“(2) A Proclamation issued under clause (1) —

(a) may be revoked or varied by a subsequent Proclamation;

(b) shall be laid before each House of Parliament;

(c) shall cease to operate at the expiration of two months, unless before the expiration

of that period it has been approved by resolutions of both Houses of Parliament:

Provided that if any such Proclamation is issued at a time when the House of the People has been dissolved or the dissolution of the House of the People takes place during the period of two months referred to in sub-clause (c), and if a resolution approving the Proclamation has been passed by the Council of States, but no resolution with respect to such Proclamation has been passed by the House of the People before the expiration of that period, the Proclamation shall cease to operate at the expiration of thirty days from the date on which the House of the People first sits after its reconstitution, unless before the expiration of the said period of thirty days a resolution approving the Proclamation has been also passed by the House of the People.”;

(b) clause (5) shall be omitted.

42. *Insertion of new article 361A.*— After article 361 of the Constitution, the following article shall be inserted, namely: —

“361A. *Protection of publication of proceedings of Parliament and State Legislatures.*— (1) No person shall be liable to any proceedings, civil or criminal, in any court in respect of the publication in a newspaper of a substantially true report of any proceedings of either House of Parliament or the Legislative Assembly, or, as the case may be, either House of the Legislature, of a State, unless the publication is proved to have been made with malice:

Provided that nothing in this clause shall apply to the publication of any report of the proceedings of a secret sitting of either House of Parliament or the Legislative Assembly, or, as the case may be, either House of the Legislature, of a State.

(2) Clause (1) shall apply in relation to reports or matters broadcast by means of wireless telegraphy as part of any programme or service provided by means of a broadcasting station as it applies in relation to reports or matters published in a newspaper.

Explanation.— In this article, “newspaper” includes a news agency report containing material for publication in a newspaper.”.

43. *Amendment of article 371F.*— In article 371F of the Constitution, in clause (c), for the words “six years”, the words “five years” shall be substituted, and for the words “five years” in both the places where they occur, the words “four years” shall be substituted.

44. *Amendment of the Ninth Schedule.*— In the Ninth Schedule to the Constitution, entries 87, 92 and 130 shall be omitted.

45. *Amendment of the Constitution (Forty-second Amendment) Act, 1976.*— In the Constitution (Forty-second Amendment) Act, 1976, sections 18, 19, 21, 22, 31, 32, 34, 35, 58 and 59 shall be omitted.